IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 1444 of 2005

Between:

B. Mohana Priya D/o Papi Reddy
r/o Proddutur, Kankipadu Mandal, Krishna District

..... PETITIONER

AND

1 The Acharya Nagarjuna University, rep by Registrar, Nagarjuna Nagar, Guntur District
2 The Controller of Examinations, the Acharya Nagarjuna University, Nargarjuna Nagar, Guntur District
3 The Principal V.R. Siddhartha Engineering College, Vijayawada, Krishna District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents is not announcing the result of the petitioner's B.Tech (Production Engineering) of 2nd year Back log of subjects and 3rd year 1st semester Examinations which was held in the month of October 2004 as illegal, arbitrary and against the principles of natural justice and violative if Article 14, 19 and 21 of the constitution of India and consequently direct the 3rd Respondent to announce the result of the petitioner's B. Tech (Production Engineering) of 2nd year Back Log Subjects and 3rd year 1st Semester Examinations which was held in the month of October 2004 and to pass such other order or orders as this Hon'ble Court may deem fit and proper

Counsel for the Petitioner:MR.CHALLA.SRINIVASA REDDY

Counsel for the Respondents: MR.T.S.HARNATH

The Court made the following :

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ORDER:

Petitioner joined B.Tech (Production Engineering) in the 3rd respondent college during 1995 and appeared for first year B.Tech examination in July 1996 and the second year examination in May 1997 from that college and was got married by her parents when she was in the third year B.Tech course and so she was forced to discontinue her studies. During June 2004, she sought admission into third year B.Tech examination in third respondent college and was accorded permission and thereupon she appeared for the second year backlog subjects and third year first semester examinations. Though, B.Tech examination results were announced in December 2004, her result, for reasons not known to her, was withheld. So she approached the second respondent to find out the reasons therefor, when she was informed that since her readmission into third year first semester was not approved by the University her result was withheld. By this petition petitioner is seeking a direction to the respondents to announce her result and permit her to pursue the next semester.

2. The case of the respondents is that as per the Regulations framed by the university governing B.Tech course, break in studies upto a maximum period of four years only can be condoned by the university. Since break period in the study of the petitioner is more than four years and since she did not make an application to the university for condonation of the delay and to permit her to prosecute further study,

and since the 3rd respondent college, without any authority and without reference to and permission of the university had permitted her to appear for the examination, the university is not bound to announce the result of the petitioner, whose admission is irregular and is not in accordance with its Regulations governing B.Tech course.

3. The contention of the learned counsel for the petitioner is that since the petitioner paid examination fee and appeared for the examination on the basis of the hall ticket issued by the university, the university which issued the hall ticket cannot be heard to say that admission of the petitioner into 3rd year B.Tech is irregular and cannot withheld her result. The contention of the learned Standing counsel for the university is that since third respondent college, of its own volition and choice, permitted the petitioner to rejoin B.Tech course without reference to the university and permitted to appear for the examination by filling the blank hall tickets issued by the university to it, the fault, if any, lay with the third respondent college but not the university and the university which is bound by the Regulations governing B.Tech course cannot permit breach of those regulations by announcing the result of a student whose admission is irregular. It is his contention that the fact that the university did not issue the Hall ticket to the petitioner and that third respondent college made use of the blank Hall tickets given by the university would be evident even from the copy of the hall ticket produced by the petitioner which contains only the signature of the third respondent, i.e. V.Vasudeva Rao, but not the Chief Superintendent of the university examinations and since petitioner did not apply to the university, even till now, to regularize her admission, by condoning the break period of study, she is not entitled to any relief. In reply the contention of the learned counsel for the petitioner is that

since the university condoned more than four years break in study period of a student who filed W.P.No.16526 of 2002, in pursuance of the interim order passed in W.P.M.P.No.20716 of 2002 in W.P.No.16526 of 2002 subject to payment of fees, as seen from the proceedings No.N.NU/ATTOL/BREAK CONDONE/2002, Dt.8.10.2002, the contention that university cannot condone more than four years break in the study period of a student is not true and the petitioner may also be extended the same benefit that was given to the petitioner in W.P.No.16526 of 2004.

4. From the documents produced by the petitioner and the university, it is seen that petitioner did not apply to the university, i.e. first respondent for condonation of break in study period but applied to the third respondent only to permit her to prosecute her study after condoning break in study period. Strangely third respondent pleaded ignorance of the Regulations framed by the university and permitted the petitioner to join the third year course even without intimating the university. Principal of an engineering college pleading ignorance of regulations governing the students of engineering college is rather strange. Be that as it may, as rightly contended by the learned Standing Counsel for the university, it is only the university but not a Principal of college that can condone break in study period. Since petitioner did not apply to the university for condonation of the break in study period and since third respondent also did not seek permission from the university to readmit the petitioner in third year B.Tech course after a gap of more than four years and had literally misused the blank Hall tickets given by the university by permitting the petitioner to appear for the examination with his signature on the Hall ticket, petitioner normally would not have been granted any relief. But in view of the fact that first respondent

(university) condoned more than four years break in study period and granted admission to a student subject to payment of fees through its proceedings dated 8.10.2002 referred to above, I dispose of the writ petition with a direction to the petitioner to approach the first respondent, seeking condonation of the break in period of study. On such application being submitted by the petitioner, first respondent shall consider the same according to rules, and pass appropriate orders by keeping in view the proceedings No.N.NU/ATTOL/BREAK CONDONE/2002, dated 8.10.2002 passed by it earlier. The writ petition is disposed of accordingly. No costs.

Dated : 16.03.2005 _____

Note: Issue C.C in 2 days **C.Y.SOMAYAJULU, J**

(B/o) RAR

To

1 The Registrar, Acharya Nagarjuna University, Nagarjuna Nagar, Guntur District
2 The Controller of Examinations, the Acharya Nagarjuna University, Nargarjuna Nagar, Guntur District
3 The Principal V.R. Siddhartha Engineering College, Vijayawada, Krishna District

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